(ഡി) ഇപ്പോൾ ഹെക്ടർ ഒന്നിന് ഭൂനികുതി എത്രയെന്ന് വ്യക്തമാക്കുമോ?

ഉത്തരം

(എ) കേരളാ ഫിനാൻസ് ആക്ട് 1993 (1993-ലെ ആക്ട് 13) പ്രകാരം പഞ്ചായത്ത് പ്രദേശത്ത് 50 പൈസയും ടൗൺഷിപ്പ്/മുനിസിപ്പൽ പ്രദേശത്ത് ഒരു രൂപയും കോർപ്പറേഷൻ പ്രദേശത്ത് രണ്ടു രൂപയും ആർ ഒന്നിന് ഭൂനികുതി ഈടാക്കി വന്നിരുന്നു.

(ബി)-(ഡി) ഈ ഗവൺമെന്റ് നിലവിൽവന്നശേഷം കേരളാ ഫിനാൻസ് ആക്ട് 1998 (1998-ലെ 14-ാം ആക്ട്) പ്രകാരം ഒരു പ്രാവശ്യം ഭൂനികുതി വർദ്ധിപ്പിച്ചു.

ആർ ഒന്നിന്, ഗ്രാമപഞ്ചായത്തിൽ ഒരു രൂപയും ടൗൺ പഞ്ചായത്ത്/മുനിസിപ്പൽ പ്രദേശത്ത് രണ്ട് രൂപയും മുനിസിപ്പൽ കോർപ്പറേഷൻ പ്രദേശത്ത് 4 രൂപയും ആയി വർദ്ധിപ്പിച്ചു. എന്നാൽ ഗ്രാമപഞ്ചായത്തിൽ 20 ആർ വരെയും, ടൗൺ പഞ്ചായത്ത്/മുനിസിപ്പൽ പ്രദേശത്ത് 6 ആർ വരെയും, മുനിസിപ്പൽ കോർപ്പറേഷൻ പ്രദേശത്ത് 2 ആർ വരെയും ഭൂമി കൈവശമുള്ള ഭൂഉടമകളിൽ നിന്നും യഥാക്രമം ആർ ഒന്നിന് 50 പൈസയും, 1 രൂപയും, രണ്ടു രൂപയും നിരക്കിൽ മാത്രമേ ഭൂനികുതി ഈടാക്കുന്നുള്ളൂ. മേൽപ്പറഞ്ഞ നിരക്കാണ് ഇപ്പോൾ നിലവിലുള്ളത്.

പട്ടികവർഗ്ഗ ഭൂനിയമം

52 (1396) ശ്രീ. സി.എഫ്. തോമസ് :
ശ്രീ. കെ. നാരായണക്കുറുപ്പ് :
ശ്രീ. കെ.എം. മാണി :
ശ്രീ. തോമസ് ചാഴികാടൻ :
ശ്രീ. മാമ്മൻ മത്തായി : താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് റവന്യൂ വകുപ്പുമന്ത്രി സദയം മറുപടി നൽകുമോ:

(എ) ആറുമാസത്തിനകം 1975-ലെ പട്ടികവർഗ്ഗ ഭൂനിയമം നടപ്പാക്കണമെന്നും 1999 ലെ ഇതു സംബന്ധിച്ച പുതിയ നിയമത്തിലെ 5,6,7 വകുപ്പുകൾ നടപ്പിക്കുന്നതു സ്റ്റേ ചെയ്തുകൊണ്ടും ഹൈക്കോടതി വിധി പുറപ്പെടുവിച്ചിരുന്നോ;

(ബി) എങ്കിൽ പ്രസ്തുത വിധിയുടെ പകർപ്പ് ലഭ്യമാക്കുമോ;

(സി) ഇപ്രകാരം ഹൈക്കോടതി നടത്തിയ വിധി സ്റ്റേ ചെയ്തുകൊണ്ട് സുപ്രീം കോടതി ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുണ്ടോ;

(ഡി) എങ്കിൽ പ്രസ്തുത വിധിയുടെ പകർപ്പ് ലഭ്യമാക്കുമോ;

(ഇ) സുപ്രീം കോടതിയുടെ വിധിയുടെ അടിസ്ഥാനത്തിൽ ഈ പ്രശ്നം സംബന്ധിച്ച് എന്തൊക്കെ തുടർനടപടികൾ സർക്കാർ കൈക്കൊണ്ടിട്ടുണ്ടെന്ന് വ്യക്തമാക്കുമോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

ഉത്തരം

(എ) അഞ്ചുമാസത്തിനകം 1975-ലെ പട്ടികവർഗ്ഗ ഭൂനിയമം നടപ്പിലാക്കുന്നതിനും, 1999 ലെ പുതിയ നിയമത്തിലെ 5,6,7 വകുപ്പുകൾ സ്റ്റേ ചെയ്തുകൊണ്ടും ഹൈക്കോടതി രണ്ട് വിധികൾ പുറപ്പെടുവിച്ചിട്ടുണ്ടായിരുന്നു.

(ബി) വിധിയുടെ പകർപ്പുകൾ അനുബന്ധം 1 ആയി ചേർത്തിട്ടുണ്ട്.†

(സി) ഉണ്ട്.

(ഡി) പുതിയ നിയമത്തിലെ 5,6,7 വകുപ്പുകൾ സ്റ്റേ ചെയ്തുകൊണ്ടുള്ള ഹൈക്കോടതിയുടെ 11/10/99 ലെ വിധി സ്റ്റേ ചെയ്തുകൊണ്ടുള്ള സുപ്രീം കോടതിയുടെ ഉത്തരവിന്റെയും 16/12/99 ലെ ഹൈക്കോടതി ഉത്തരവ് സ്റ്റേ ചെയ്തിട്ടുണ്ടെന്ന് അറിയിച്ചുകൊണ്ടുള്ള അഡ്വക്കേറ്റ് ജനറലിന്റെ സന്ദേശത്തിന്റെ പകർപ്പും അനുബന്ധം രണ്ടായി ചേർത്തിട്ടുണ്ട്.†

(ഇ) പുതിയ നിയമത്തിലെ 5,6,7 വകുപ്പുകൾ നടപ്പിലാക്കുന്നതിനുള്ള നടപടികൾ സ്വീകരിച്ചുവരുന്നു.

പുതിയ താലൂക്കുകൾ രൂപീകരിക്കാൻ നടപടി

53 (1398)ശ്രീ. എം. നാരായണൻ (ഹോസ്ദുർഗ്) : താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് റവന്യൂ വകുപ്പുമന്ത്രി സദയം മറുപടി നൽകുമോ?

(എ) സംസ്ഥാനത്ത് പുതുതായി താലൂക്കുകൾ രൂപീകരിക്കുവാൻ ഉദ്ദേശിക്കുന്നുണ്ടോ;

(ബി) എങ്കിൽ പുതിയ താലൂക്കുകൾ ഏതൊക്കെയായിരിക്കും എന്ന് വിശദീകരിക്കുമോ;

(സി) പുതിയ താലൂക്കുകൾ പരിഗണിക്കുമ്പോൾ ഹോസ്ദുർഗ്ഗ് താലൂക്ക് വിഭജിച്ച് മലയോര താലൂക്ക് രൂപീകരിക്കുന്ന കാര്യം പരിഗണിക്കുമോ?

ഉത്തരം

(എ)-(സി) റവന്യൂ യൂണിറ്റുകൾ പുനഃസംഘടിപ്പിക്കുന്ന കാര്യത്തിൽ നിയോഗിച്ച കമ്മീഷനുകൾ സമർപ്പിച്ച റിപ്പോർട്ട് ഗവൺമെന്റ് പരിശോധിച്ചുവരുന്നു. അന്തിമ തീരുമാനമെടുത്തിട്ടില്ല.

സെൻസസ് പ്രവർത്തനങ്ങൾ ആരംഭിച്ചിരിക്കുന്നതിനാൽ 2001 മാർച്ചു വരെ അതിർത്തി വ്യതിയാനങ്ങൾ പാടില്ലെന്ന് സെൻസസ് ഡയറക്ടർ ജനറൽ നിർദ്ദേശിച്ചിരിക്കുന്നതുകൊണ്ട് ഇക്കാര്യത്തിൽ ഉടനെ തീരുമാനമെടുക്കുവാൻ പ്രായോഗിക ബുദ്ധിമുട്ടുണ്ട്.

റവന്യൂ കാർഡ് വിതരണം

54 (1399)ശ്രീമതി ഭാർഗ്ഗവി തങ്കപ്പൻ : താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് റവന്യൂ വകുപ്പുമന്ത്രി സദയം മറുപടി നൽകുമോ?

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† അനുബന്ധം II ക്ഷ II A

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LIBRARY ARCHIVES Kerala Legislative Assembly

8. റിവ്യൂവബിൾ സോഴ്സ് ഓഫ് എനർജി ഉപയോഗിക്കുന്നതിനുള്ള ഉപകരണങ്ങൾ ഘടിപ്പിക്കുന്നതിനോ/ഡീസൽ ജനറേറ്റർ സെറ്റുകളിൽ മലിന പ്രതിരോധ സംവിധാനങ്ങൾ സ്ഥാപിക്കുന്നതിനോ ഉള്ള പ്രോത്സാഹനം.

ഇപ്പോൾ നിലവിലുള്ളതും പുതിയതുമായ എല്ലാ ചെറുകിട വ്യവസായ സ്ഥാപനങ്ങൾക്കും പുതിയ ഊർജ്ജ ശ്രോതസ്സ് ഉപയോഗിക്കാൻ പറ്റിയ ഉപകരണങ്ങൾ ഘടിപ്പിക്കുന്നതിന് അത്തരം നിക്ഷേപത്തിന്റെ 15% തുകയോ പരമാവധി 5 ലക്ഷം രൂപയോ അധികമായി നൽകുന്നു. അതുപോലെ തന്നെ ഡീസൽ ജനറേറ്റർ സെറ്റുകളിൽ മലിനീകരണ പ്രതിരോധ യന്ത്രങ്ങൾ സ്ഥാപിക്കുന്നതിന് അത്തരം നിക്ഷേപത്തിന്റെ 10% പരമാവധി 25000 രൂപ നൽകുന്നു.

9. (എ) സംസ്ഥാന ജില്ലാ തലങ്ങളിൽ ടെക്നിക്കൽ കൺസൾട്ടൻസി സെല്ലുകൾ രൂപീകരിക്കുന്നതാണ്.

(ബി) ത്രസ്റ്റ് സെക്ടറിൽ സാങ്കേതിക മുന്നേറ്റത്തിന് പ്രത്യേക കോർപ്പസ് ഫണ്ട് രൂപീകരിക്കുന്നതാണ്.

(സി) വ്യവസായ അസോസിയേഷനുകളുമായി ചേർന്ന് പൊതു സൗകര്യങ്ങൾ ഉണ്ടാക്കുന്നതാണ്.

(ഡി) സാങ്കേതിക മുന്നേറ്റം ആധുനികവൽക്കരണം എന്നിവ ചെയ്യുന്ന ചെറുകിട വ്യവസായങ്ങൾക്ക് ടി.എം. എഫിന്റെ പലിശയുടെ ഒരു വിഹിതം സബ്സിഡിയായി നൽകുന്നതാണ്.

(ഇ) വ്യവസായ ഗവേഷണ വികസന പ്രവർത്തനങ്ങളിൽ ഏർപ്പെടുന്ന സ്വകാര്യ സ്ഥാപനങ്ങളെ വ്യവസായ മേഖലകളിൽ കുറഞ്ഞ നിരക്കിൽ സ്ഥലം നൽകി പ്രോത്സാഹിപ്പിക്കും.

10 വനിതകൾക്കുള്ള പ്രത്യേക പ്രോത്സാഹനമെന്ന നിലയിൽ കൂട്ടുകുടുംബ സംരംഭം എന്ന പുതിയ പദ്ധതി ആവിഷ്ക്കരിക്കുന്നതാണ്. നിലവിലുള്ള വനിതാ വ്യവസായ പദ്ധതിയിലെ വിവിധ ആനുകൂല്യങ്ങൾ താഴെ പറയും പ്രകാരം വർദ്ധിപ്പിക്കുന്നതാണ്.

മെഷിനറി ഗ്രാന്റ് പരമാവധി 75000/- രൂപ, കെട്ടിട ഗ്രാന്റ് പരമാവധി 50,000 രൂപ മാനേജർ-എക്സ്പേർട്ട് ഇവരുടെ ശമ്പളം പ്രതിമാസം 750 കണക്കാക്കി 4 വർഷം ടാപ്പറിംഗ് അനുപാതത്തിലും പരിശീലനത്തിലേർപ്പെട്ടിട്ടുള്ളവർക്ക് പ്രതിമാസ സ്റ്റൈപെന്റ് 500 രൂപയായും വർദ്ധിപ്പിക്കും.

കൂടാതെ വനിതാ സഹകരണ സംഘങ്ങൾക്കുള്ള സർക്കാർ ഓഹരി പങ്കാളിത്തം പരമാധി 250000 രൂപയിൽ നിന്നും 3,50,000 രൂപയായി വർദ്ധിപ്പിക്കും.

11. രോഗാതുര വ്യവസായങ്ങൾ പുനരുജ്ജീവിപ്പിക്കുന്നതിനുള്ള കർമ്മപദ്ധതി തയ്യാറാക്കി നടപ്പിലാക്കും.

12. തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ അംഗങ്ങളെ ഉൾപ്പെടുത്തി വ്യവസായ വികസന കമ്മറ്റികൾ രൂപീകരിക്കും.

അനുബന്ധം II

3.3.2000-ത്തിലെ നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം 52 (1396) ദയവായി കാണുക

THE HIGH COURT OF KERALA AT ERNAKULAM

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Present:
The Hon'ble Mr. Justice P.K. Balasubramanyan
and
The Hon'ble Mr. Justice C.S. Rajan
Monday, the 11th day of October 1999/19th Asvina, 1921 Contempt of Court Case No.542/98 S

.....

PETITIONER:

Dr. P Nalla Thampy There s/o late Shri Parammananth,
Residing of 1070, 1071/VI, 1st Floor,
Main Road, Chungam, Sultanbettery,
Wayanad Dist.

(Part in Person) and

Adv. Mr.N.N. Venkitachalam (Amicus Curise)

RESPONDENTS:

1. Shri B.P. Singh, Secretary, Ministry of Home Affairs, Govt. of India of the North Block New Delhi, 110001.
2. Shri M. Mohan Kumar, S/o G.O Gopala Menon, 57 years, Chief Secretary Govt. of Kerala. Secretariat, Trivandurm, Kerala, R/o TC No.4/114, Sumangala, Kowdiyar, Trivandrum.
   By Smt. Molly Jacob (Sri. Govt. Pleader) for R2

This Contempt of Court case having come up for orders on 11.10.1999 the Court on the same day passed the following:

ADVOCATE GENERAL
ATTENTION SRI. V.S.S.C
C/O KERALA HOUSE , NEW DELHI

P.K. Balasubramanyan &
C.S. Rajan, JJ

.....

C.C.C. No. 542 of 1998

Order

Balasubramanyan, J.

The Petitioner submitted that even while this court was considering the question of the effect of the Kerala Restriction on Transfer By And Restoration of Lands to Scheduled Tribes Act, 1999 on the mandamus issued by this court to enforce the Kerala Scheduled Tribes (Restriction on Transfer of land and Restoration of Alienated Lands, Act, 1975 and on the orders passed by the concerned authority under section 6 of the Act of 1975, the respondents, State and the authorities under it are hastely implementing the provisions of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999. It is submitted by the petitioner that the Status quo requires to be

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maintained until this court takes a decision on the question that is being considered.

2. Considering the complicated nature of the questions that fall for decision this court requested Sri. N.N. Venkitachalam, Advocate to assist the court as amicus curiae Sri. Venkitachalam has made his submissions. The petitioner has also made his submissions. The argument on behalf of the State has not been completed.

3. We think that it is necessary under the circumstances to maintain the status quo. The effect of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999 on the orders already passed under the Kerala Scheduled Tribes Restriction on Transfer of Lands and Restroration of Allienated Lands Act, 1975 requires to be decided. It pending a decision, title deeds or pattas are issued to alientes from Scheduled Tribes in terms of the new Act of 1999, that will only lead to further complications. In fact one of the reasons put forward by the State for not implementing the 1975 Act was the organised, though illegal, resistance of the assignees of lands from the Scheduled Tribes and the difficulty in implementing the Act of 1993. We think that it is necessary to avert further complications by preventing claims of creation of other or further rights, pending decision on the questions falling for decision.

4. We cannot forget the fact that the Scheduled Tribes are entitled to special protection under the Constitution and while adjudicating on their right to restoration, any violent alteration of status quo should be prevented.

We therefore direct the State and the officers under the Kerala Restriction on Transfer by and restotration of Lands to Scheduled Tribes Act 1999, and in particular, the Revenue Divisional Officers, not to implement Sections 5,6 and 7 of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999 until further orders.

Post the Contempt of Court Case for further hearing at 1.45 P.M. on 27.10.1999.

11th October, 1999.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

The Hon'ble Mr. Justice P.K. Balasubramanyan

and

The Hon'ble Mr. Justice C.S. Rajan

Thursday, the 16th day of December 1999/25th Agrahayana, 1921 Contempt of Court Case No.542/98 S

.....

PETITIONER:

Dr. P. Nalla Thampy There, S/o late Shri Paramananth,

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Resident of 1070, 1071/VI, 1st Floor,
Main Road, Chungam, Sultanbettery,
Wayanad Dist.

By Advocate Mr. N.N. Venkitachalam (Amicus Curise)

RESPONDENTS:

3. Shri B.P. Singh, Secretary, Ministry of Home Affairs, Govt. of India, North Block New Delhi, 110001.
4. Shri M. Mohan Kumar, S/o G.O Gopala Menon, 57 years Chief Secretary, Govt. of Kerala, Secretariat, Trivandrum, Kerala, R/o TC No.4/114, Sumangala, Kowdiyar, Trivandrum.
   By Advocate Mr. K. Ramakumar (SCSSC) for R2 by Govt. Pleader.

This Contempt of Court case having come up for orders on 16.12.1999 the Court on the same day passed the following:

P.K. Balasubramanyan & C.S. Rajan, JJ

C.C.C. No. 542 of 1998

Order

Balasubramanyan, J.

This Contempt of Court application is filed by the petitioner in O.P. 8879 of 1988. He complains that there is a wilful disobedience of the writ of mandamus issued by this court directing the State of Kerala to implement the Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 and to dispose of the applications filed under that Act by the tribals pending before the authority constituted under that Act within six months of that date. The petitioner also submits that thouth there were subsequent directions in that Original Petition while granting extension of time to the State to implement that Act and the orders passed under that Act by the concerned suthority, the said directions have also been wilfully disobeyed by the State and hence proceedings under the Contempt of Course Act may be initiated. The petitioner submits that of the State itself does not obey the commands of the court valdly issued and does not implement the directions issued by this court in exercise of its jurisdiction under Article 226 of the Constitution of India, that will cause serious damage to the institution of judiciary itself and will certainly be the negation of the rule of law which is the basic feature of our constitution. In this Petition, the Union of India was also impleaded by the petitioner. But the learned Judges, before whom the matter came up, in their order on 26.11.1998, while issuing notice to the Chief Secretary, the Government of Kerala, respondent No.2 in the petitition, took the view that no notice to the Union of India is called for, since their Lordships were inclined to think that the Union of India was not a necessary part. This notice was issued by this court after the preliminary hearing contemplated by Rule 9 of

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the Contempt of Courts (Hight Court of Kerala) Rules. Under Rule 9(ii) (a), the court issues notice.

"if satisfied that a prima facie case has been made out". Pursuant to the said notice, the second respondent filed a reply in terms of Rule 13 of the Rules. Thereafter the matter was posted for hearing in terms of Rule 14 of the Rules.

2. On a scrutiny of the reply filed by the second respondent, it is seen that the said respondent has not admitted that he has committed contempt. In terms of Rule 14 of the Rules, the court has then either to proceed to frame the charge if it is satisfied that there is a prima facie case or to drop the proceeding and discharge the respondent if it is satisfied that there is not prima facie case or that it is not expedient to proceed. What is therefore now involved is whether the proceedings are to be dropped or whether a charge has to be framed on the matierials available.

3. The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975, herein after called the 1975 Act' was passed by the Kerala Legislature with the avowed object:-

> "To provide for restricting the transfer of lands by memebers of Scheduled Tribes in the State of Kerala and for the restoration of possession of lands alienated by such members and for matters conneted therewith."

The Act received the assent of the President on 11.4.1975. The Act was one under Entry 6 List III of the Seventh Schedule to the Constitution. The Act was subsequently included in the Ninth Schedule. It is item No. 150. The constitutional validity of the Act was upheld by a Division Bench of this court in Fr. Thomas Kubukkat v. Union of India (1994 (2) K.L.T. 25). Earlier, a learned Judge of this court in Bhavani v. State of Kerala (1989(1) K.L.T. SN 57 Case No. 58) noticed that the Act has been included in the Ninth Schedule to the Constitution by the 40th Amendment Act, 1976 and hence the attack to the provisions of the enactment on the ground that it violates the provisions in Part III of the Constitution cannot be upheld. The Act was not implemented in true spirit and applications filed by Tribals for restoration were not enquired into or decided with any commitment, So, the petitioner herein, filed O.P. 8879 of 1988 praying inter alia for the issue of a writ of mandamus to compel the implementation of the Act and to deal with the applications for restoration filed under the Act. By judgment dated 15.10.1993 this court allowed O.P. 8879 of 1988. In that judgment, this court recorded the submission of the then Additional Advocate General to the effect.

> "utmost steps would be taken for the disposal of the applications and that the Act would be enforced in all its rigour."

and directed the State to give directions to the authorities under the Act to dispose of the applications pending before them within six months of that date, The undertaking of the Additional Advocate General was not honoured. The direction issued by this court was not implemented. But the State sought extension of time to implement the direction of this court. By order dated 12.4.1994 this court

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extended the time originally granted on 15.10.1993, by another six months. On 11.10.1994, the State filed another application for further extension of time by one year. That prayer for extension was also allowed. The mandamus issued by this court was not obeyed even within that extended time which by then amounted to two years from the date of the original direction. It may be remembered that the Act itself was brought into force with effect from 1.1.1982 by notification issued under Section 1 (3) of the Act on 24.1.1986 and a number of applications had been filed by the displaced tribals for the restoration of their lands.

4. The State filed yet another application for extension of time by one more year to implement the provisions of the Act and to obey the directions issued by this court. This court extended the time by six months but felt that it was necessary to monitor the progress of the implementation and with that in view, issued the following directions even while extending the time.

"(i) The State shall ensure that all the applications are disposed of within the extended time.

(ii) The State shall immediately communicate copies of this order to the Revenue Divisional Officers of all the Districts for compliance.

(iii) The authorities under the Act, ie, the Revenue Divisional Officers of the concerned Districts shall file afffidavits before this court once in a month showing the progress achieved in the disposal of applications during that month. The first of these affidavits showing the progress made until 31.12.1995 shall be filed before 15.1.1996. The next of the affidavits showing progress till 31.1.1996 shall be filed before 15.2.1996 so on.

(iv) The State shall provide the necessary back up and support to the Revenue Divisional Officers to complete the work within the extended time now granted.

(v) The State or any of the Revenue Divisional Officers shall be at liberty to approach this court in the event of any difficulty being felt in disposing off the applications.

(vi) It is seen from the affidavit filed by the Government that the pendency of applications in the Districts of Palakkad, Waynad, Idukki and Kottayam is unusually large. The Revenue Divisional Officers of these Districts are directed in particular to dispose of all the applications within the extended time."

5. Various reports were filed pursuant to the direction. It was found that though a number of applications filed under the Act were allowed, no actual restoration was effected even in cases where there were no impediments in effecting the restoration either because of the pendency of an appeal or because of any liability to the tribal to pay compensation to the illegal occupant. It may be noted that Section 6(6)(b) of the Act cast a duty on the Revenue Divisional Officer to cause delivery of the property the restoration of which is ordered to a

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Tribal and to put the Tribal in possession or enjoyment of the property, if need be by removing anyperson who refuses to vacate the same, On 28.3.1996, this court recorded the assurance given by the Additional Advocate General that the order would be implemented and passed the following order:-

> "The learned Additional Advocate General assures the court that all out efforts will be made to dispose of all the pending applications within the time stipulated by this court and further that wherever there has been final orders passed, actual restoration will also be effected. In view of this submission no formal orders are necessary today. Post on 31.5.1996."

In the light of all this, a stituation was reached where most of the applications made by the tribals under the Act had been disposed of by the primary authority created by the Act. A number of orders of the primary authority became final. There were appeals from certain orders and a few applications alone were pending, On 24.6.1996, the matter came up without the assurance of the Additional Advocate General being honoured and the Government Pleader sought an adjournment. This court adjourned the proceeding, but bringing pointedly to the notice of the State, the order dated 28.3.1996 quoted above which contained the assurance of the Additional Advocate General. Reports continued to be filed by the Revenue Divisional Officers, reporting progress of the proceedings before them. The matter came up on 24.7.1996. Time was again sought for and that was granted. Ultimately, after a number of adjournments, the Principal Secretary, Revenue and SC/ST Development, filed an affidavit dated 8.8.1996 in which he put forward the contention that compensation had to be paid in some of the cases and without paying compensation, actual possession cannot be restored. This court then pointed out that there are cases where no compensation is payable and there are also cases where no appeal has been filed and there was absolutely no impediment in implementing the orders for restoration passed in such cases. Therefore on 3.8.1996, this court issued the directions as under.

> "1. The Revenue Divisional Officers are directed to cause delivery of the properties covered by orders for restoration against which no appeals are pending and in which no compensation is payable, forthwith and in any event within six weeks from today.
>
> 2. In view of the submission that the Officers are meeting with resistance in restoring possession, the State and the District superintendents of Police of all Districts are directed to affored the needed protection to the Revenue Divisional Officers to carry out their duty of restoring possession to the Tribals,
>
> 3. The State and the Collectors of the various Districts are directed to make available to the Revenue Divisional Officers the necessary man power and support to carry out the implementation of the orders for restoration passed under the Act.

LIBRARY ARCHIVES Kerala Legislative Assembly

4. The Revenue Divisional Officers will file statements before this court by 30.9.1996 reporting compliance with direction No.1."

The said order of this court dated 13.8.1996 is reported in State of Kerala V.P. Nalla Thampi There (1996(2) K.L.T. 930).

6. The said order was appealed against by the State under Section 5(i) of the Kerala High Court Act providing for an appeal against a judgment or order of a Single Judge in the exercise of original jurisdiction. It may be noted that the order was one on an application filed by the State, subsequent to the decision rendered in the Original Petition, seeking an extension of time fixed by the judgment, to implement the directions contained therein. The order passed in the petition was one granting the extension of time prayed for by the State but directing the State, while so granting time, to take concrete action to comply with the direction issued in the Original Petition. How the State could feel aggrieved by a direction to implement the statute enacted by the State Legislature granting relief to tribals is not very clear. But, the Writ Appeal was entertained and referring to a Bill said to have been introduced in the State Legislature (which had not yet become law), the hearing of the matter was postponed so as to reconsider the directions given by the Single Judge referred to above. The Civil Miscellaneous Petition pending before the Single Bench was also withdrawn by the Division Bench and placed before a Full Bench alongwith the Writ Appeal filed by the State. Meanwhile, the order of the Single Judge dated 13.8.1996 was kept stayed and no restoration of possession pursuant to the final orders passed, were made to the Tribals. It may be noted that there was no appeal against the judgment in O.P. 8879 of 1988 dated 15.10.1993 issuing the writ of mandamus and the same had become final. The Full Bench continued the stay taking note of the alleged proposal to introduce a Bill in the Kerala State Legislature. Ultimately on 21.5.1998, the Full Bench was informed that the Act called the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Amendment Act, 1996 which had been passed and had been sent for the assent of the President of India, could not become effective since the President of India had declined assent to the Bill passed by the Legislative Assembly. The Full Bench therefore said:-

> "It was now stated in the affidavit that the Hon'ble President of India has declined assent to the bill passed by the Kerala State Legislative Assembly. In the light of the Hon'ble President of India having declined assent to the Kerala Scheduled Tribes (Restriction of Transfer of Lands and Restoration of Alienated Lands) Amendment Act, 1996, there is no justification for this court extending the order of stay granted earlier. Interim stay granted earlier is vacated."

Thereafter, the Full Bench extended the time by six months for carrying out the directions contained in the order of the Single Judge dated 13.8.1996 in C.M.P. 28950 of 1995 without prejudice to the right of the Government in considering the various aspects of the matter to bring forward suitable legislation

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with suitable changes if they so desire. Thus the stay granted not of the writ of mandamus originally issued, but of the subsequent directions issued to ensure the obedience to the writ of mandamus earlier issued which had become final, also stood vacated.

7. Nothing was done within this six months either. But again, C.M.P. 6605 of 1998 was filed for extension of stay. How an extension of stay which had already been vacated, can be sought is not very clear. At best, an extension of time to implement could have been sought. But, the Full Bench by order dated 9.12.1998 extended the stay granted earlier till 5.1.1999 though as per the earlier order dated 21.5.1998, stay was vacated as can been seen from that order. By another order dated 6.1.1999, furtherr time of three months was granted presumably for the Government to bring forward a Bill in the Legislature. It was also stated in the order that there will be no further extension of time.

8. Meanwhile, the petitioner herein who was the petitioner in the Original Petition O.P. 8879 of 1988, filed the present Contempt of Court of Case, on 23.11.1998 and notice was issued to the Chief Secretary to the State, by the learned Judges on 26.11.1998 after the preliminary hearing. On 4.12.1998, respondent No. 2 the Chief Secretary, filed a reply in terms of Rule 13 of the Rules. In that affidavit, the Chief Secretary to the Government, who was impleaded in the Contempt of Court Case as the respondent in his capacity as the Chief Secretary to the Government, filed an affidavit stating that the Government had decided to bring forward a new legislation and a draft bell was already prepared and it was under legal scrutiny and the Government intended to introduce the bill in the next session of Assembly which was likely to commence shortly. It was contended by the Chief Secretary that he had not committed any wilful act or omission amounting to contempt of court. A further affidavit was filed on 8.6.1999 submitting that the bill was passed by the State Legislature and that the new Act had come into force and the Government was in the process of implementing the New Act. The direction in the Original Petition could not be complied with because of the difficulties experienced in the matter of implementing the direction. It may be noted that right from the time O.P. 8879 of 1988 was filed, the parrot like stand of the State was that organised lawless elements were preventing the implementation of this welfare legislation and implying that the Government did not have the will to come to the aid of the Scheduled Tribes and to implement the Act which was enacted to protect their interests. It was this defence that was overruled while issuing the writ of mandamus by the learned Judge who disposed of O.P. 8879 of 1998 and at the subsequent stages when Government sought extension of time for obeying the writ of mandamus and complying with the directions contained therein. The Chief Secretary stated that he had not wilfully disobeyed the directions of this court.

9. On 28.6.1999 since it was argued that in view of the New Act, there was no obligation on the Government to implement the 1975 Act or to obey the writ of mandamus issued by the Court in O.P. 8879 of 1998 and the subsequent orders passed therein, this court felt that the correctness of the stand adopted by

LIBRARY ARCHIVES Kerala Legislative Assembly

the Chief Secretary that in view of the passing of the new Act, no right under the 1975 Act survives in favour of the Scheduled Tribes and the orders passed under that Act in favour of the Tribals need not be implemented, had to be first considered and decided. This court found that important questions arise for consideration. This court felt that since the petitioner in the Contempt of Court Case, though experienced in litigation, was not a legally trained lawyer, the help of a competent lawyer would be needed to guide the court to come to the correct conculsion. An order was therefore passed appointing Sri. N.N. Venkitachalam, and Advocate of this court as amicus curie to assist the court to come to a correct decision on the question.

This court passed the following order on 28.6.1999:-

"This proceeding under the contempt of Courts Act initiated on the plea that the respondents have not complied with the directions contained in Annexures I and II orders, was admitted by the court on 26.11.1998 as against respondent No. 2 on the basis that the allegations disclosed a cause of action only against respondent No. 2. Respondent No.2 subsequently appeared and filed a reply on 4.12.1998 submitting that the Government had decided to introduced a suitable new legislation and that a petition for extension of time for complying with the direction was filed before this court and it was pending. Subsequently on 8.6.1999, another reply was filed stating that a Bill was passed by the Legislative Assembly and the same had received the assent of the Governor of the State. Apparently the defence appears to be that the enactment of the new legislation is an answer to the proceeding initiated under the contempt of Courts Act.

2. When the matter came up, the learned Government Pleader brought to our notice the Kerala Restriction of Transfer By and Restoration of Lands to Scheduled Tribes Act, 1999 (Act 12 of 1999) and submitted that in the light of that enactment, the proceeding may be dropped. The impact of Act 12 of 1999 on the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restroration of Alienated Lands) Act, 1975, Act 31 of 1975, on the orders passed under Act 31 of 1975 and on the writ of mandamus issued by this court in relation to Act 31 of 1975, arises for consideration. The effect if any of Act 12 of 1999 on the orders passed under Act 31 of 1975 on applications made under that Act, also arises for consideration.

3. Obviously, the plea of respondent No. 2 is that he is not guilty of contempt of court. In such a situation this court has to consider whether any charge has to be framed under Rule 14 of the Contempt of Courts (High Court of Kerala) Rules, or the proceeding has to be dropped. For deciding this, we feel that arguments have to be heard on the impact of Act 12 of 1999 on

LIBRARY ARCHIVES Kerala Legislative Assembly

the mandamus issued by this court and on Act 31 of 1975 and the orders passed under Act 31 of 1975 . The petitioner is not a legally trained Advocate and the questions involved are of an intricate legal nature. We therefore think it necessary to appoint Sri. N.N. Venkitachalam, counsel appearing in this court, as amicus curie to assist the court to come to a correct decision. This matter will therefore be posted on 19.7.1999 for hearing on this question.''

10. The matter underwent some adjournments. on 4.10.1999, yet another affidavit was filed by the Chief Secretary in which he stated that a new Act called the Kerala Restriction on Transfer By and Restroration of Lands to Scheduled Tribes Act, 1999 was passed and that the Act was beneficial to the Scheduled Tribes and the said Act has repealed the 1975 Act. The new Act would be implemented. There was no wilful disobedience. The repeal of the 1975 Act was referred to without taking any definite stand on the duty to implement the writ of mandamus issued by the Court. But at the time of arguments the stand was taken that in view of the bringing into force of the new Act, there was no obligation on the State and its officials to implement the writ of mandamus issued by this court and hence there was no contempt of court. It is in the light of this stand that the question was heard in the context of Rule 14 of the Rules to decide whether charge should be framed against the second respondent or the proceedings should be dropped.

11. Mr. N.N. Venkitachalam, learned counsel, brought to our notice the relevant provisions of the 1975 Act and of the Kerala Restriction on Transfer By and Restoration of Lands to Scheduled Tribes Act, 1999, hereinafter referred to as the 1999 Act. He pointed out that whereas the 1975 Act related to transfer of property coming under Entry 6 in List III, the 1999 Act related only to land, meaning agricultural lands coming under Entry 18 in List II and the 1999 Act cannot affect the transfers of property which are nullified by the 1975 Act. He also pointed out that this was not a case where the Legislature was validating anything that was found invalid earlier or was making valid any order that had been struck down earlier as one without authority but this was a case where the benefit conferred on the Scheduled Tribes by the 1975 Act was being taken away in the guise of bringing in another legislation under the State List, after the President had declined his assent to an amendment on similar lines attempted to the 1975 Act. He submitted that the 1999 Act did not subserve the interests of the tribals but protected the illegal transferrees in terms of the 1975 Act and really sought to deprive the hapless tribals, of the rights that had accrued to them under the 1975 Act. He submitted that this was clearly a case of colourable legislation. He also submitted with reference to Sections 4 and 5 of the 1975 Act and the 1999 Act that the proviso to Section 5 of the 1999 Act was against the main part of the Section and that it was also against Section 4 of the 1999 Act and hence it ought to be noted that the proviso was ultra vires of the main Section itself. He also submitted that the repeal of the 1975 Act by Section 22 of the 1999 Act

LIBRARY ARCHIVES Kerala Legislative Assembly

could not be a full repeal of the 1975 Act since the repeal could not take in the transfers coming within the purview of 1975 Act enacted under Entry 6 of List III. He also pointed out that in any event, the rights which have accrued under the 1975 Act in respect of those Tribals who had applied for restoration and in respect of those Tribals in whose favour final orders have been passed, are not intended to be taken away or taken away by the 1999 Act. He also pointed out that the writ of mandamus issued by this court in O.P. 8879 of 1988 is in no manner affected by the 1999 Act and in the light of the decisions of the Supreme Court, the second respondent was bound to implement the direction given by this court while issuing the writ of mandamus in O.P. 8879 of 1988. The learned Advocate General appearing on behalf of respodent No. 2 argued that the Legislature had the power to enact a law which could take away the basis of the earlier decision rendered and since the 1999 Act was a legislation which repealed the 1975 Act, it cannot be argued that the State was bound to implement the direction of this court issued in O.P.8879 of 1988. Dr. Nallathampi There, the petitioner who appeared in person, contended that the entire action of the Government was malafide and instead of protecting the Tribals, the Goverment was trying to destroy the Tribals by improperly rallying behind lawless elements who had dispossessed the Tribals unlawfully and that this should not be countenanced by this court.

12. On hearing the arguments, we think that before deciding whether a charge is liable to be framed in terms of Rule 14 of the Rules in this Contempt of Court Case, we may have to at least prima facie examine some of the aspects projected. They include the aspect whether the writ of mandamus issued by this court in O.P. 8879 of 1988 is in any manner affected by the enacting of the 1999 Act, the aspect whether any rights have accured to the Tribals under the 1975 Act and if rights have accrued, whether those rights are in any manner affected by the bringing into force of the 1999 Act. We also feel that since the 1975 Act was enacted for protection of the Constitutionally protected Scheduled Tribes and for restoration of their lands to them and what is now sought to be done is to deny the rights accured to them under the 1975 Act, it is our constitutional duty to consider the effect of the new enactment on the rights already accrued to them even though the present proceeding might have come to us in the guise of a proceeding under the Contempt of Courts Act. We may here observe that two Original Petitions under Article 226 of the Constitution of India have been filed challenging the constitutional validity of the 1999 Act and they could not be heard first only because of the failure of the State to file its counter-affidavit inspite of specific directions in that behalf. The observations of the Supreme Court in Sri Manchegowda v. State of Karnataka (A.I.R. 1984 SC 1151) upholding an enactment like the 1975 Act enacted by the Karnataka Legislature, in Lingappa Pochanna v. State of Maharashtra (A.I.R. 1985 SC 389) upholding the enactment akin to the 1975 Act passed by the Maharashtra Legislature and P. Rami Reddy v. State of A.P. (A.I.R. 1988 SC 1626) upholding the Act passed by the Andhra Pradesh Legislature emboiden us to think that it is our duty to decide the questions posed in this proceeding in which it is contended that the mandamus already issued

LIBRARY ARCHIVES Kerala Legislative Assembly

by this court for enforcing the rights under the 1975 Act is not being obeyed by the executive and the Scheduled Tribes are illegally and unjustly kept out of their just dues. We believe that the ratio of the decision in Samtha v. State of Andhra Pradesh (A.I.R. 1997 SC 3297) also supports our approach.

13. We may once again notice that the constitutional validity of the 1999 Act and the Legislative competence to bring about that law and the validity of the repealing section have been challenged in O.P 25332 of 1999 and 26449 of 1999. The said Original Petitions were referred to a Division Bench by the learned Single Judge and those Original Petitions have been ordered to be posted with this Contempt of Court Case. The respondent State has not filed its counter affidavit in those Original Petititons within the time granted. The time for counter has been extended and the time has been given till 12.1.2000 for the filing of the counter. The arguments relating to the constitutional validity of the 1999 Act and the related questions of legislative competence and of it being a colourable legislation will have to be considered in those Original Petitions. We do not think that those questions need be addressed in this proceeding arising under the Contempt of Courts Act. But we find that we will have to decide the question of the effect of the mandamus issued by this court in O.P. 8879 of 1988, the question whether the repeal by the 1999 Act of the 1975 Act can be considered to be a full repeal on the 1975 Act, whether any rights have accrued to the tribals who have applied under the 1975 Act for restoration and if rights have accrued whether they are impaired in any manner by the 1999 Act, and if such rights have accrued to the said tribals, in the light of the mandamus issued by this court, whether the said rights should not be worked out and whether the stand of the Government that it need not implement the writ of mandamus in the light of the 1999 Act is justified and if so whether this is not a case where proceedings in contempt should not be continued atleast after giving one more opportunity to the State and its officers to comply with the directions of this court.

14. Before proceedings further, we think that it is necessary to refer to some of the salient provisions of the 1975 Act and the 1999 Act. The 1975 Act defined 'immovable property' in Section 2(b) as including standing crops and trees but not including growing grass. Section 2 (g) defined a 'transfer' in relation to immovable property as meaning.

> "An act by which immovable property is conveyed by any documentary or oral transaction, whether by way of mortgage with or without possession, lease, sale, gift or exchange, or in any other manner, not being a testamentary disposition; and includes a charge, 'vilapanayam', 'unduruthi', contract relating to immovable property, mortgage, pledge or hypothecation of crops or standing trees on payment of consideration or otherwise, voluntary surrender and abandonment.''

Section 4 of that Act provided that notwithstanding anything to the contrary contained in any other law or in any contract or custom or usage, or in any judgement, decree of order of any court, any transfer effected by a member

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of a Scheduled Tribe, of immovable property possessed, enjoyed or owned by him, on or after the commencement of the 1975 Act. (1.1.1982) to a person other than a member of a Scheduled Tribe, without the previous consent in writing of the competent authority shall be invalid. Section 5 invalidated certain transfers effected by a member of a Scheduled Tribe on or after the first day of January 1960 and before the commencement of the Act and deemed the transfers to be invalid. Section 6 gave a right to a member of a Scheduled Tribe who had effected a transfer which has become invalid under Section 4 or 5 of the Act, or had lost possession of immovable property, to apply to the Revenue Divisional Officer for getting restoration of possession or enjoyment of the property as the case may be. The Revenue Divisional Officer was directed to make an enquiry and to pass an order directing the person in possession or enjoyment of the property, to deliver possession thereof to the applicant or on whose behalf the application has been made so as to allow him to enjoy such property within a period of 30 days from the date of service of the order. It was the mandate of Section 6 in the light of Sections 4 and 5 of the 1975 Act that was being flouted by the concerned Revenue Divisional Officers and others and that led to this court issuing the writ of mandamus in O.P. 8879 of 1988. Section 11 which provided for payment of compensation to the person who was to be dispossessed pursuant to an order under Section 6 of the Act also specifically provided that no amount would be payable if the transfer was effected on or after the commencement of the Act on 1.1.1982. Section 6 of the Act had also provided for an appeal and it was provided that on the filing of an appeal, order for restoration of possession would not be enforced until the appeal was disposed of.

15. The 1999 Act defines land in Section 2(b) as meaning any 'agricultural land'. Section 2(g) defines a transfer in relation to land as meaning an act by which land is conveyed by any documentary or oral transfer whether by way of mortgage with or without possession, lease, sale, gift or exchange, or in any other manner not being a testamentary disposition and as including a charge, 'Vilapanayam', and 'Unduruthy,' contract relating to land, mortgage, pledge or hypothecation of crops or standing trees on payment of consideration or otherwise, voluntary surrender and abandonment. Section 4 of the Act is in pari materia with Section 4 of the 1975 Act except that instead of 'immovable property' it is transfer of 'land' that is prohibited and it has reference to the commencement of the 1999 Act as against the 1975 Act. Section 5 also is more or less on the same terms as in the 1975 Act except that instead of 'immovable property' 'land possessed' is used. But a proviso is introduced that practically nullifies the main section. It may be better to quote Section 5 of the 1999 Act in its entirety at this stage:-

> "5. Certain transfers to be invalid.-(1) Notwithstanding, anything to the contrary contained in any other law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court, any transfer of land possessed, enjoyed or owned by a member of a Scheduled Tribe to a person other than a member of a Scheduled Tribe, effected on or after the

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1st day of January, 1960, and before the commencement of this Act shall be deemed to be invalid:

Provided that nothing in this section shall render invalid any transfer of land possessed, enjoyed or owned by a member of a Scheduled Tribe to a person other than a member of a Scheduled Tribe effected during the aforesaid period and the extent of which does not exceed two hectares.

(2) Notwithstanding anything contained in sub-section (1), or in any judgement, decree or order of any court or other authority, in cases where the land involved in such transfer is used for agricultural purposes, the transferee thereof shall be entitled to retain in his possession the said land upto an extent of two hectares which shall be demarcated by the Revenue Divisional Officer by order and in the manner as may be prescribed."

There was an argument before us that if transfer of 2 hectares and below are exculed from restoration, there will not be many cases in which restoration of land can be made to the Scheduled Tribes under the 1999 Act. This was sought to be countered by the learned Advocate General. The Advocate General agreed to furnish details of cases where more than two hectares of land was involved in a transfer by a tribal. But no such detail was furnished inspite of a number of adjourments of the case and the grant of time at the request of the Advocate General or of the Senior Government Pleader. Section 6 contemplates allotment of other lands to the tribal who cannot get restoration in view of the proviso to Section 5 of the Act, Where that land is to come from in the natural habitat of the tribal was not explained. Nor was anything said about the availability of land in the context of the Forest (Conservation) Act, 1980. Section 7 of the Act provides of for an application to the Revenue Divisional Officer within a period of one year from the date of the Act for restoration of possession or enjoyment and the Revenue Divisional Officer is to pass an order in case the claim was being upheld, directing the person in possession or enjoyment of the land to deliver possession thereof to the applicant. The other relevant provision to be noted is Section 22 of the Act which repeals the 1975 Act. Since this Section has a bearing on the aspects to be considered by us, it may be appropriate to set down that Section hereunder:-

"22. Repeal and saving.-(1) The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (31 of 1975 is hereby repealed.

(2) Notwithstanding the repeal of the said Act, all orders issued by the competent authority or the Revenue Divisional Officer, so far as they are not inconsistent with the provisions of this Act shall be deemed to have been made under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act, Every proceedings pending before a court on a complaint under section 14 of the said Act shall be

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deemed as a proceeding under the corresponding provisions of this Act and shall be continued accordingly."

16. We find that a serious inrode has been made by the proviso to sub section 1 of Section 5 and by sub section 2 of Section 5 by denying restoration to Tribals in cases where the transfers otherwise hit by Sections 4 and 5 of the Act did not exceed two hectares of agricultural land. It is submitted by Dr, Nallathampi There, the petitioner who has been espousing the cause of the Scheduled Tribes in this court right from the year 1988 and by Mr.A.X. Varghese, counsel appearing for the petitioners in one of the Original Petitions challenging the Constitutional validity of the 1999 Act which was posted alongwith this case, that there will be very few cases in which the transfers involved extents beyond two hectares of land and this provision is really a fraud played on the Scheduled Tribes and should be viewed as such. We have already noted that the learned Advocate General who had submitted that he would furnish details of cases where more than two hectares of agricultural land are involved, has not yet done so. But at this stage, we do not want to say anything final on this aspect. But that will be an aspect which may have to be considered at some stage or other.

17. It may be noted that the non obstante clause in none of the relevant sections of the 1999 Act refer either to the orders passed under the 1975 Act on applications made under that Act by the authorities under that Act or to the writ of mandamus issued by this court directing the State and its officers to enforce the provisions of the 1975 Act. The repeal of the 1975 Act by Section 22 of the Act is seen to a simple repeal. But sub section 2 of Section 22 says that notwithstanding he repeal of the 1975 Act, all orders issued by the competent authority or the Revenue Divisional Officers under the 1975 Act so far as they are not inconsistent with the provisions of the 1999 Act shall be deemed to have been made under the corresponding provisions of the 1999 Act and until superseded by anything done or any action taken under the 1999 Act. We think that sub section 2 of Section 22 does not in any manner affect the orders finally passed under the 1975 Act and the rights that have accrued to the Tribals who had applied for and obtained orders of restoration under the 1975 Act. Obviously the line of enquiry is not whether the rights under the 1975 Act are preserved by the 1999 Act but whether the rights accrued under the 1975 Act are destroyed by the 1999 Act. (See State of Punjab V. Mohar Singh (A.I.R 1955 SC 84) and Indira Sohanlal V. Custodian of E.P. (A.I.R. 1956 SC 77). It therefore appears to us that the orders passed uder the 1975 Act remain unaffected, though all of them do not qualify as orders under the 1999 Act.

18. A larger bench of this court had occasion to consider the question as to when a right can be said to have accrued and under what circumstances they will continue to survive in Echuma Amma V. Devassy (1970 K.L.T. 204 (FB). That was a case under Section 27 of the Kerala Land Reforms Act in which the concerned provision relating to a small holder was subsequently repealed. The

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Section conferred the right on a small holder as defined in the Land Reforms Act the option of having the fair rent determined in terms of Section 27(2) of the Act by having the fair rent at 75% of the contract rent. Sub section (2) was subsequently dropped. The question was, what was to happen in those cases where small holders had either obtained orders in terms of Section 27(2) of the Act or had applied for fixation of fair rent by opting to come under Section 27(2) of the Act as it stood prior to its deletion. The Full bench held:

> The moment a small holder elects to come under sub section 2 of Section 27 by exercising his option under that sub section, right to fair rent under that sub section accrues to him. It is none – the – less an accured right for its implementation being postponed until there has been a determination by the tribunal".

Their Lordships relied on the decisions of the Supreme Court in Moti Ram V. Suraj (AIR 1960 SC 665), Sakharam Bapu Saheb Narayana Sanas V. Manik Chand Shah (1962 (2) SCR 59) and Gujarat Electricity Board V. Santhilal (AIR 1969 SC 239). Their Lordships also referred to Director of Public Works v. Ho Po Sang (1961 AC 901). We think that the same principle applies in the case on hand.

19. Section 4 of the Interpretation and General Clauses Act, 1125 which corresponds to Section 6 of the General Clauses Act of 1897, specifically provides that where any act repeals any enactment earlier made, unless a different intention appears, the repeal shall not affect the previous operation of the enactment so repealed or anything duly done or suffered thereunder or affect any right Privilage, obligation or liability acquired, accrued on incurred under any enactment so repeated, In Income Tax Commissioner, U.P. V. M/s Shah Sadiq & Sons (AIR 1987 SC 1217) their Lordships held that a right given to an assessee to claim a set off as provided under section 24(2) of the Income Tax Act 1922 was an accrued right and it could have been taken away only expressly or by necessary implication. So long as that was not done, the right was saved by Section 6(c) of the General clauses Act. Their Lordships held

> "A right which had accrued and had become vested continued to be capable of being enforced not withstanding the repeal of the statute under which that right accrued unless the repealing statute took away such right expressly. This is the effect of Section 6 of the General Clauses Act 1897"

Relating to the savings provisions in the repealing enactment, their Lordships observed,

> "In this case the savings provision in the repealing statute is not exhaustive of the rights which are saved or which survive the repeal of the statute under which such rights had accrued. In other words, whatever rights are expressly saved by the 'Savings' provisions stand saved. But, that does not mean that

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rights which are not saved by the "savings" provision are extinguished or stand ipso facto terminated by the mere fact that a new statute repealing the odd statute is enacted. Rights which have accrued are saved unless they are taken away expressly. This is the principle behind S. 6 (c), General clauses Act, 1897. The right to carry forward losses which has accrued under the repealed Income-Tax Act of 1922 is not saved expressely by S. 297, Income-tax Act, 1961. But it is not necessary to save a right expressly in order to keep it alive after the repeal of the old Act of 1922. Section 6(c) saves accrued rights unless they are taken away by the repealing statute. We do not find any such taking away of the rights by S. 297 either expressly or by implication".

In Deputy Collector v. S Venkanta Ramanaiah (A.I.R 1996 Sc 224) the Supreme Court quoted with approval the relevant passage from Francis Bennion's Statutory Interpretation and after referring to the decision in R. Rajagopal Reddy v. Padmini Chandrasekharan (1995 (2) SCC 630) and the earlier decision in Garikapathi Veeraya v. N. Subbaiah Chowdhary (A.I.R. 1957 Sc 540) came to the conclusion that the provisions of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulations was only prospective in nature and did not affect past transactions of transfers effected between tribals and non- tribals of between non – tribals and non-tribals themselves in the Agency Tracts at a time when neither Regulation I of 1959 nor Regulation II of 1963 or Regulation I of 1970 was in force. Such past transactions remined untouched by the sweep of the aforesaid subsequently enacted Regulations. We do not think it necessary to multiply authorities on this aspect. But we must notice here that the 1999 Act is not a declaratory enactment. It is also not a repealing and re- enacting enactment. The title to the earlier Act and the title to the new Act and the relevant provisions clearly indicate that the 1999 Act applies only to restoration of agricultural land since land is defined as agricultural land and the 1975 Act affected transfer of all immovable property. Similarly, the 1975 Act defined transfer on wider terms than the 1999 Act. The scope of the definition of transfer in the 1999 Act is narrower than the scope of the definition in the 1975 Act and even a "charge" is taken out of the purview of transfer in the 1999 Act. 1975 Act came into froce from 1.1.1982 but the 1999 Act came into force only on 24.1.1986. It appears to us that the 1999 Act has not affected the wider rights that had accrued to the tribals who had applied under the 1975 Act. The operation of the 1999 Act is also confined to agricultural lands. In the light of this position we think that if rights have accrued to the Scheduled Tribes under the 1975 Act, the same are not in any manner affected by the 1999 Act. Sub section 2 of Section 22 of the 1999 Act relied on by the learned Advocate General only provides that the orders issued by the competent authority or the Revenue Divisional Officer under the 1975 Act so far

LIBRARY ARCHIVES Kerala Legislative Assembly

as they are at inconsistent with the provisions of the 1999 Act shall be deemed to have been made under the corresponding provisions of 1999 Act and shall continues to be inforce accordingly unless and until superseded by anything done or any action taken under the 1999 Act. In the light of Section 4 of the General Clauses Act 1125 corresponding to Section 6 of the General Clauses Act of 1897, it is clear that there is nothing in the new Act which destroys the rights accured under the 1975 Act. We may also notice here that Section 5 of the Act which by virtue of the proviso to it and by virtue of sub section 2 makes a serious inrode into the rights of the tribals to get restoration, does not include within its non obstante clause, an order passed by the authority under the 1975 Act. The non-obstante clause contemplates only any other law for the time being in force or any contract, customs or usage or any judgement or decree or order of any court and does not take within its sweep, an order passed by the authority under section 6 of the 1975 Act. This also gives a clear indication that the rights accrued under the 1975 Act to the Tribals are not destroyed by the coming into force of the 1999 Act. The mandamus issued by this court is for implementing the 1975 Act and to pass orders on the various applications filed by the Tribals under that Act. The mandamus have been passed for restoration which have become final prior to the coming into force of the 1999 Act. It cannot therefore be said that by the mere bringing in of the 1999 Act, the obligation of the State and its officers to obey the writ of mandamus issued by this court in O.P. 8879 of 1988, has come to an end.

20. We may also notice in this context that the constitutional validity of the 1975 Act was upheld by this court and there was no infirmity pointed out in that Act by this court or by any other court. There was nothing infirm in the 1975 Act which required validation by subsequent enactment, It is therefore clear that the 1999 Act cannot be considered to be a validating Act or an Act that became necessary to give legal sanction to some of the orders made under that Act in view of the infirmities subsequently found by the court or invalidity attached to any of the proceedings as per any decision rendered by the constitutional court. The theory of validation cannot therefore be applied in the case on hand. There was nothing to stands obeyed to the extent of passing final orders on those applications by the concerned authority in most of the pending applications under that Act. What requires to be complied with is the direction to restore the land as envisaged by Secion 6 of the 1975 Act itself and by the mandamus issued by this court and the further directions issued by this court while granting time to the state on its applications for extension of time for complying with the mandamus issued by this court. According to us, rights have clearly accrued to the Scheduled Tribes who had applied under section 6 of the 1975 Act, Some of whom have also secured orders for restoration before the commencement of the 1999 Act, and since the 1999 Act does not in any manner affect the rights accrued to the Scheduled Tribes under the 1975 Act, respondent No. 2 has the clear obligation to continue with the proceedings under the 1975 Act in cases where the appeals are

LIBRARY ARCHIVES Kerala Legislative Assembly

pending and are not yet disposed of and in cases of applications where final orders are not yet passed and in cases where orders be validated. All that required to be done was to implement the orders passed under the 1975 Act and to implement the provisions of that Act enacted as a measure of protection to the Scheduled Tribes in the light of the Constitutional mandate in that behalf.

21. The learned Advocate General argued that it was within the power of the legislature to enact the 1999 Act and the present law must be understood as a law enacted in public inerest. We have already noticed that the constitutional validity of the 1999 Act has been challenged before us and though those original petitions were also posted with this contempt of Court case, we were not able to hear and dispose of those original petitions first because of the fact that the State had not filed its counter affidavit in those original petitions inspite of specific directions in that behalf. But what we are considering here is the effect of the 1999 Act on the orders already passed under the 1975 Act and in that context, the Scope of the legislation enacted under entry 18 of List II of the Seventh Schedule and its effect on the 1975 Act enacted under entry 6 of List III of the Seventh Schedule to the Constitution, may also have to be consisered, But we find that the stand that the 1999 Act is a validating enactment cannot be accepted since nothing invalid was found in the 1975 Act and there was nothing to be validated.

The 1975 Act had in fact been upheld. The decision of the Supreme Court in Indian Aluminium Co. V. State of Kerala (1996) 7SCC 637) relied on by the Advocate General and his contention that the legislature can render a judicial decision ineffective by enacting a valid law on the topic within its legislative field fundamentally altering or changing its character retrospectively, cannot answer the question whether the accured rights are lost to the tribals. There was also no decision invalidating the 1975 Act or anything done under that Act. In the above case, in paragraph 56, while setting down the principles, the Supreme Court has itself stated as principle No.9

> "The consistent thread that runs through all the decisions of this Court is that the legislature cannot directly overrule the decision or make a direction as not binding on it but has power to make the decision ineffective by removing the base on which the decision was rendered, consistent with the law of the Constitution and the legislature must have competence to do the same".

We have to notice that the 1975 Act was enacted pursuant to the mandate of Article 46 of the Constitution for promotion of the economic interests of the Scheduled Tribes and no infirmity was found either in that law or in the orders passed under that Act and it cannot be said that by enacting the present enactment the basis on which the earlier decision was rendered by the court has disappeared. Moreover, this aspect urged by the learned Advocate General cannot have much effect on the question whether rights have not accured to the tribals by virtue of their applying under the 1975 Act and obtaining orders in most of the cases under that Act, but will

LIBRARY ARCHIVES Kerala Legislative Assembly

have relevance on the other question, whether the writ of mandamus issued by this court has ceased to have any legal effect in view of the enactment of the 1999 Act. That aspect can be considered more appropriately when we deal with the effect of the issuance of the writ of mandamus in O.P.8879 of 1988.

22. We will now consider the effect of the writ of mandamus issued by this court in O.P. 8879 of 1988 and the question whether the 1999 Act can have any impact on the writ issued by this court in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India. But before doing so, we may briefly refer to the nature of the writ of mandamus expounded by the Supreme Court in Praga Tools Corporation v. C.V. Immanual (A.I.R. 1969 SC 1306). The Supreme Court held:-

> "Article 226 provides that every High Court shall have power to issue to any person or authority orders and writs including writs in the nature of habeas corpus, mandamus, etc. or any of them for the enforcement of any of the rights conferred by Part III of the Constitution and for any other purposes. But it is well understood that a mandamus lies to secure the prformance of a public or statutory duty in the performance of which the one who applies for it has sufficient legal interest.
>
> Therefore, the condition precedent for the issue of mandamus is that there is in one claiming it a legal right to the performance of a legal duty by one against whom it is sought. An order of mandamus is, in form, a command directed to a person, corporation or an inferior tribunal requiring him or them to do a particular thing therein specified which appertains to his or their office and is in the nature of a public duty. It is, however, not necessary that the person or the authority on whom the statutory duty is imposed need be a public official or an official body". (Headnotes)

The effect of the issuance of a writ of mandamus in a situation where an amendment of the statute or rule had subsequently been brought about, was considered by the Supreme Court in M.M.Pathak V. Union of India (A.I.R. 1978 SC 803) In that case, a Single judge of the Calcutta High Court issued a writ of mandamus directing the Life Insurance Corporation of India to pay cash bonus for the year 1975-76 to its class III and Class IV employees in terms of the settlement dated 24.1.1974 between the Corporation and its employees. That writ of mandamus issued by the court was allowed to become final. But immediately after the pronoucement of the decision issuing the writ of mandamus, the parliament modified the Life Insurance Corporation (Modification and Settlement) Act. The Life Insurance Corporation took up the stand that in view of the amendment with retrospective effect, the writ of mandamus issued by the Calcutta High Court was not capable of being enforced and there was no obligation on the Corporation to implement the direction issued by the Calcutta High Court. A seven Judge Bench of the Supreme Court rejected the contentions of the Life Insurance Corporation and held that the writ of mandamus issued was

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liable to be obeyed. It was observed that as the judgement was allowed to become final, the judgement could not be disregarded or ignored and the Corporation was bound to obey the writ of mandamus issued by the Calcutta High Court not withstanding the new Act that was brought into force, to interfere with the concerned settlement. Chief Justice beg observed:-

> "Even though the real object of the Act may be to set aside the result of the mandamus issued by the Calcutta High Court, yet, the section does not mention this object at all. Probably this was so because the jurisdiction of a High Court and the effectiveness of its orders derived their force from Article 226 of the Constitution itself. The rights of the citizen against the State which had passed into those embodied in a judgement and became the basis of a Mandamus from the High Court could not be taken away in indirect fashion, by enacting such an ordinary Act of Parliament." (Head Note)

23. In A.V.Nachane V. Union of India (A.I.R...1982 SC 1126) the Supreme Court after referring to the decision in M.M.Pathak V. Union of India (A.I.R 1978 SC 803) and quoting the relevant pasages therefrom held that Rule 3 of the Rules made under the Life Insurnace Corporation Act which operated retrospectively could not nullify the effect of the writ issued in D.J. Bahadur's case (A.I.R. 1980 SC 2181) which directed the Life Insurance Corporation to give effect to the terms of the 1974 settlement relating to bonus until superceded by a fresh settlement, an industrial award or relevant legislation. We do not think it necessary to deal in detail with the decisions in D. Cawasji &Co.V.State of Mysore (A.I.R. 1984 SC 1780), P.S.Mahal V. Union of India (A.I.R. 1984 SC 1291), In the matter of: Cauvery Water Disputes Tribunal (A.I.R 1992 SC 522), State of Haryana V. Karnal Co-op F.S. Ltd. (A.I.R. 1994 SC 1) and G.C.Kanungo V. State of Orissa (A.I.R 1995 SC 1655) all recognising this principle. But we may refer to the decision in S.R.Bhagwat V. State of Mysore (A.I.R. 1996 SC 188) in which it was held that the sections of the Karnataka State Civil Services (Regulation and Promotion, Pay and Bonus) Act 1973 which tried to do away with judgements, decrees and orders of any court which has become final against the State are unconstitutional, illegal and void. Those sub sections had clearly provided that binding directions given by the High Court which had become final have to give way and to the extent of such inconsistency must be treated as to be ineffective and inoperative. TheSupreme Court stated :-

> "It is now well settled by a catena of decisions of this court that a binding Judicial pronouncement between the parties cannot be made ineffective with the aid of a legislative power by enacting a provision which insubstance overrules such judgements and is not in the realm of a legislative enactment which displaces the basis or foundation of the judgement which untiformly applies to a class of persons concerned with

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the entire effort sought to be covered by such an enactment having retrospective effect."

Their Lordships referred to the decision in Kaveri Water Disputes Tribunal (1993 Supp.(1) SCC 96(II)) and the decision in G.C.Kanungo V. State of Orissa ((1995 4 JT (SC) 589). We may reiterate here at the risk of repetition that there was no invalidity to be cured in the 1975 Act and no provision of that Act was ever struck down or nullified by any judicial decision and therefore there was no occasion for the validation of any act or for removing the foundation on the basis of which the relief was granted by this court when it issued the writ of mandamus. The decision in Indian Aluminium Co. V.State of Kerala ((1996) 7 SCC 637) relied on by the learned Advocate General also does not strike any different note. The attempt here is not to remove the basis of the decision rendered by the court in O.P.8879 of 1988. No such intention is expressed by the 1999 Act. Nor does the non-obstante clause refer to the writ of mandamus or to the orders passed under the 1975 Act. The judgement is not sought to be nullified. The decisions show that in any event an action to nullify the decision is impermissible and in any event, cannot affect the writ of mandamus already issued. In our view, the decisions above referred to clearly lead to the conclusion that the writ of mandamus issued by this court in O.P 8879 of 1988 cannot be taken to be nullified or abrogated by the 1999 Act. We have already noticed that the 1999 Act. does not have the assent of the President, it is only one enacted under Entry 18 in List II of the seventh schedule and by definition of 'Land' as occuring in the 1999 Act, is confined in its operation to agricultural land. As observed by the Supreme Court in Indu Bhusan V. Rama Sundari (A.I.R. 1970 SC 228), non-agricultural land cannot also come under Entry 18 of List II of the Constitution. The writ of mandamus and the orders under the 1975 Act in respect of lands other than agricultural lands cannot certainly be affected, in any event. We do not think that it is necessary at this stage to consider the argument raised on behalf of the petitioner that the present Act is only a garb enacted to protect the aliences from the Scheduled Tribes and really intended to annihilate the rights of the Scheduled Tribes and hence the legislation is a colourable piece of legislation. Sri. N.N. Venkitachalam, Amicus Curie brought to our notice the decision of the Supreme Court in Shankara Narayana V. State of Mysore (A.I.R. 1966 SC 1571). We think that it will be more appropriate to consider that aspect when we deal with the Original Petitions challenging the constitutional validity of the 1999 Act and the plea therein that it is a colourable piece of legislation.

24. We may also notice that the State had sought for and obtained time for implementing the writ of mandamus and holding out to this court that some more time is required to implement the writ of mandamus and the 1975 Act. After obtaining such extension of time it is not open to the State now to contend that it is not bound to implement the writ of mandamus. It cannot take advantage of its

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default in obeying the mandamus to contend that it need not obey it now because of the bringing into force of the 1999 Act.

25. We are thus satisfied that the proceedings cannot be dropped on the ground that by the mere enactment of the 1999 Act it has become unnecessary for the Government to comply with the mandamus issued by this court or to make restorations in terms of the orders passed under the 1975 Act. Considering that what is involved is the protection of the Scheduled Tribes, we cannot also take the view that it is inexpedient to take action under the Contempt of Courts Act. We are therefore of the view that a charge has to be framed against respondent No. 2 in terms of Rule 14 of the Rules framed by the High Court under the Contempt of Courts Act. But since we feel that the object of the exercise should really be to bring relief to the oppressed Scheduled Tribes on the basis of the rights conferred on them by the 1975 Act rather than to punish respondent No.2 for contempt of this court which is only an act of upholding the difnity of this court, we think that the proper thing to do is to give some more time to the second respondent and to the various Revenue Divisional Officers, District Collectors and all the other authorities under the 1975 Act, to implement the writ of mandamus issued by this court and to restore the lands to the Scheduled Tribe applicants in whose favour final orders have been passed and to dispose of all pending appeals under that Act immediately and to restore the land to the successful applicants for restoration. We think that for this purpose, some more time should be granted to the second respondent, to the District Collectors, to the Revenue Divisional Officers and to all the authorities under the 1975 Act and only on their failure to comply with the mandamus issued by this court and the directions made pursuant thereto, we need proceed with the framing of a charge for contempt of court. We therefore grant respondent No.2 and all the District Collectors and the Revenue Divisional Officers in the State and the other authorities under the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975, a time of five months from this date to implement the writ of mandamus issued by this court in O.P.8879 of 1983 and the orders of directions issued on the petitions for extension of time filed by the State.

This matter will be listed for further orders on 1.6.2000.

Sd/-

P.K.Balasubramanyan, Judge

Sd/-

C.S.Rajan, Judge

16th December, 1999.

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Assistant Registrar

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P.K. Balasubramanyan &
C.S.Rajan, J.J.

C.C.C.No.542 of 1998.

Order

Balasubramanyan.J.

After we had notified the above case for orders at 1.45 P.M. on 16.12.1999 in the previous day's list. Just before the order was pronounced, a memo was handed over by the Government Pleader alongwith an order of the Supreme Court dated 29th November, 1999 in Petition for Special Leave to Appeal (Civil) No.17910 of 1999. On going through that order, it is seen that the Petition for Special Leave was directed only against the order Dated 11.10.1999 by which we directed the Officers not to implement Sections 5,6, and 7 of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999 untild further orders. We find from the order of the Supreme Court that further proceedings in the Contempt of Court Case are not stayed. We cannot also understand that order as preventing us from pronouncing the order as notified earlier by us. We have therefore pronounced the order in C.C.C.542 of 1998 in terms of Rule 14 of the Rules framed by the High Court of Kerala.

This order will be appended to the main order.

Sd/-
16th December, 1999. P.K.Balasubramanyan, Judge
Sd/-
C.S.Rajan, Judge

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Assistant Registrar

അനുബന്ധം II (a)

Sup. C. 52

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 17910 OF 1999 (Petition under Article 135 of the Constitution of India for Special

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Leave to Appeal from the Judgement and Order dated the 11th October, 1999 of the High Court of Kerala at Ernakulam in Contempt Court Case No. 542 of 1998)

WITH

PRAYER FOR INTERIM RELIEF

State of Kerala
through the Secretary Revenue
Govt. of Kerala
Secretariat, Trivandrum, Kerala. .....Petitioner

Versus

1. Dr. Nalla Thampy There
S/o. late Shri Paramananth
R/o. 1070, 1071/VI 1st Floor
Main Road Chungam, Sultansbattery
Waynad, Kerala. .....Contesting Respondent

2. Shri.B.P. Singh
The Secretary, Ministry of Home Affairs, Govt. of India
North Block, New Delhi.

3. Shri. Mohan Kumar M.
S/o. G.O. Gopala Menon aged 57 Yrs.
Chief Secretary, Govt. of Kerala
Trivandrum, Kerala.
....Proforma Respondents

29th November, 1999

CORAM:

HON'BLE MR. JUSTICE B.N. KIRPAL

HON'BLE MR. JUSTICE S. RAJENDRA BABU

For the Petitioner : Mr. Harish N. Salve, Solicitor General for India
Mr. G. Prakash, Advocate with him)

THE PETITION FOR SPECIAL LEAVE APPEAL ALONGWITH PRAYER FOR INTERIM RELIEF above-mentioned being called of for hearing before this Court on the 29th day of November, 1999. UPCH perusing the papers and hearing counsel for the Petitioner herein, THIS COURT while directing issue of Notice returnable after two weeks to the respondents herein to show cause why special leave be not granted to the petitoner herein to appeal to this Court against the Judgement and Order of the High Court above-mentioned, DOTH ORDER that pending the hearing and final disposal by this Court of the aforesaid prayer for interim relief after notice, the operation of the Judgement and Order dated 11th October, 1999 passed by the High Court of Kerala at Ernakulam in Contempt Court Case No. R 542 of 1998 be and is hereby stayed;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execusion by all concerned;

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WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 29th day of November, 1999.

(R.S. SETH)
(DEPUTY REGISTRAR)

Endorsement on SLP(c) 17910/99/Ptg. dated 9-12-1999
Court of Kerala, Ernakulam.

Copy communicated to :

1. The O.P. Section, High Court (CCC, 542/98).
2. The Advocate General, Kerala, Ernakulam.
3. The Senior Central Government Standing Counsel- Advocate Mr. K. Ramakumar.

for information and necessary action.

(By Order)
Assistant Registrar

അനുബന്ധം-III

3/3/2000-ത്തിലെ നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം 59 (1417) ദയവായി കാണുക

ക്രമ നമ്പർ	പഞ്ചായത്തിന്റെ പേർ	അപേക്ഷകളുടെ എണ്ണം	നൽകിയ പട്ടയങ്ങൾ
1.	പാലക്കുഴ പഞ്ചായത്ത്	133	126
2.	കുത്താട്ടുകുളം പഞ്ചായത്ത്	437	428
3.	പിറവം പഞ്ചായത്ത്	277	268
4.	പായിപ്ര പഞ്ചായത്ത്	197	185
5.	ഇലഞ്ഞി പഞ്ചായത്ത്	128	124
6.	അയവന പഞ്ചായത്ത്	140	136
7.	അവോലി പഞ്ചായത്ത്	372	364
8.	പാമ്പകുട പഞ്ചായത്ത്	121	111
9.	രാമമംഗലം പഞ്ചായത്ത്	230	218
10.	മണിട് പഞ്ചായത്ത്	231	219
11.	കല്ലൂർക്കാട് പഞ്ചായത്ത്	185	167
12.	മാറാടി പഞ്ചായത്ത്	97	81
13.	മഞ്ഞള്ളൂർ പഞ്ചായത്ത്	397	379
14.	തിരുമാറാടി പഞ്ചായത്ത്	138	165
15.	ആർക്കുഴ പഞ്ചായത്ത്	78	65
16.	വാളകം പഞ്ചായത്ത്	113	108
		3274	3107

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